

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SETH BATISTE, §
§
Plaintiff, §
§
v. § Civ. A. No. 23-2451
§
LONE STAR COLLEGE SYSTEM, §
§
Defendant. §

Unopposed Motion for Entry of Answer Deadline

Pursuant to FRCP 12(a)(4), Defendant Lone Star College System respectfully requests that the Court enter an order setting its deadline to file an answer to Plaintiff Seth Batiste's Original Complaint of October 5, 2023.

Background and Procedural Posture

This is an employment case. Batiste is a former employee of Lone Star. He asserts claims of disability discrimination and failure to accommodate under the ADA. Doc. 1.

Batiste filed his Original Complaint on July 5, 2023. *Id.* Lone Star's deadline to respond to the Complaint was August 30, 2023. Doc. 6. Lone Star filed a Motion to Dismiss as its responsive pleading on the deadline. Doc. 7.

On September 12, 2023, the Court entered an order advising that, pursuant to its practice, Lone Star would be permitted to have one dispositive motion and that it could be under Rule 12 or Rule 56, but not both. Doc. 8.

Pursuant to the Court's Order, Lone Star provided notice to the Court that it would withdraw its Motion to Dismiss. Doc. 9. The Court entered an order memorializing the withdrawal on September 19, 2023. Doc. 10. Next, the parties filed their Joint Discovery/Case Management Plan and the Court entered a Docket Control Order on September 20, 2023. Docs. 12 and 13.

Withdrawal of the Motion to Dismiss left Lone Star without an answer deadline because the Motion was not decided or a decision on it was not postponed. *See* FRCP 12(a)(4). In order to establish a deadline on which Lone Star may file its answer, Lone Star conferred with counsel for Batiste about the foregoing issue. Batiste is unopposed to a deadline of October 5, 2023.

Prayer

Lone Star therefore respectfully requests that the Court enter an order setting Lone Star's deadline to file its answer on or before October 5, 2023.

Respectfully submitted,
**Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.**

/s/ Stephen J. Quezada

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Certificate of Conference

I hereby certify that on the 25th day of September, 2023, I conferred with counsel for Plaintiff, Joel T. Joseph, and that Plaintiff is unopposed to the relief requested in the foregoing Motion.

/s/ Stephen J. Quezada
Stephen J. Quezada

Certificate of Service

I hereby certify that on the 25th day of September, 2023 I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will send notification of such filing to the following counsel of record:

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